

REMARKS

I. Status of Claims

Claims 1, 3, 5-15, and 17-25 are pending. Claims 1, 15, and 25 are independent. Claims 1, 3, 5-8, 14-15, and 17-19 are currently amended. Claims 2, 4, and 16 are canceled without prejudice to and/or disclaimer of the subject matter therein. Claim 25 is newly added. Support for the claim amendments can at least be found in paragraphs [0029-0030] of the application as published.

Claim 14 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-2, 4, 8-13, 15-16, 20-21, and 23 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Pat. Publication No. 2006/0051522 to Talton (hereinafter “Talton”).

Claims 3, 5-7, and 17-19 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Talton, as applied to claims 1 and 15 above, in view of U.S. Pat. Publication No. 2003/0199964 to Shalaby (hereinafter “Shalaby”).

Claim 14 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Talton, as applied to claim 1 above, in view of Japanese Publication No. 10074985 to Mori (hereinafter “Mori”).

In view of the foregoing amendments and the following remarks, the Applicant respectfully requests reconsideration of the rejections.

II. 35 U.S.C. 112, second paragraph, Rejections

The Applicant respectfully submits that claim 14 is amended to correct any perceived ambiguity.

III. Pending Claims

Independent claims 1 and 15, stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Talton.

The undersigned submits that claims 1 and 15 are patentable over the cited references at least because they recite, "...mixing the liquid target solution during coating to maintain a uniform solution of the drug and the polymer in the solvent." (emphasis added)

Certain embodiments of the present application relate to using a matrix assisted pulsed-laser evaporation technique to coat a medical device 11 using a liquid target solution 26. This liquid target solution 26 may be formed of a drug, polymer, and solvent. For example, as seen in FIG. 2 of the present application, a laser beam 14 may be used to impinge upon the surface of the liquid target solution 26. The impingement of the laser beam 14 causes the liquid target solution 26 to vaporize. Consequently, a vapor cone 21 may form above a surface of the liquid target solution 26 to coat the medical device 11. Meanwhile, the liquid target solution 26 may be constantly mixed during coating to maintain a uniform solution of the drug and the polymer in the solvent. For example, in one embodiment of the present invention, a stirrer may be used to mechanically move the liquid target solution 26 at a rate sufficient to cause mixing of the constituents (e.g., the drug, polymer, solvent, and/or solution) of the liquid target solution 26. In another embodiment of the present invention, a sonicator may be used to agitate the liquid target solution 26 and maintain the solution in a uniformly mixed state. See paragraphs [0029, 0030, and 0033] of the application as published.

The Office Action recognizes that Talton does not disclose mixing of a polymer and drug solution. See page 4, paragraph 7, of the Office Action. Further, the Office Action recognizes that Talton does not disclose a stirrer or sonicator for mixing of a polymer and drug solution. See also page 4, paragraph 7, of the Office Action. In attempt to address the deficiencies of Talton, the Office Action cites Shalaby, without referencing any specific portion of the specification and/or drawings. Moreover, the Office Action also appears to rely on Official Notice to support the rejections of at least claims 6-7 and 18-19.

With respect to Shalaby, the Applicant respectfully submits that this reference does not disclose or suggest a coating process for a medical device including a step of mixing the target solution during coating to maintain a uniform solution of the drug and the polymer in the solvent. Rather, Shalaby merely discusses mixing drugs to form a solution prior to coating. Moreover, if the Office Action is relying on a specific portion of Shalaby, the Applicant respectfully requests citation of that portion for clarification of the record.

With respect to Official Notice, the Office Action alleges that “it is well known to use a stirrer or sonicator when mixing to make sure there is complete mixing.” Applicant respectfully traverses the Official Notice taken and requests evidence to substantiate the alleged motivations or reasons to modify Talton. Specifically, Applicant respectfully requests evidence to substantiate the theory that it would have been obvious to one having ordinary skill in the art to have modified Talton to include a stirrer or sonicator for mixing. Such support is required under MPEP 2144.02 and 2144.03.

With respect to claim 14, the Office Action also recognizes that Talton does not disclose a second laser to ablate a second target so the second target is applied to the medical device as required by claim 14. See page 4, paragraph 8, of the Office Action. In an attempt to address this deficiency, the Office Action cites Mori; however, claim 14 specifically requires “a second laser.” The Office Action proposes modifying Talton to include a mirror, which is not recited in claim 14. Therefore, lacking any teaching and/or suggestion of a second laser, the Applicant respectfully submits that it is unclear how Mori provides a teaching for rendering claim 14 unpatentable.

The Applicant respectfully submits that, for at least these reasons, claims 1 and 15, and their dependent claims, are patentable over the cited references.

The Applicant has also added new independent claim 25. Claim 25 requires “providing a means for mixing the liquid target solution during coating to maintain a uniform solution of the drug and the polymer in the solvent.” The Applicant respectfully submits that the invention recited in claim 25, with this step, is not anticipated or rendered obvious by the prior art of record.

IV. Conclusion

In view of the above amendments and remarks, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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